MONTANA LEGISLATIVE HISTORY

Chapter 540 19 85

Bill H _____ S 371 Original bill & history ✓ C

| H. Committee on Fish & Game | | S. Committee on Fish & Game | |
|---|---|---|---|
| Hearing Date(s) _____ | ___C | Hearing Date(s) _____ | ___C |
| 3/19 | ✓ C | _____ | ___C |
| _____ | ___C | _____ | ___C |
| _____ | ___C | _____ | ___C |
| Date Out 3/21 | ✓ C | | |

Did this bill originate in an interim committee? ___Yes ___No

Committee _____ Report _____

SENATE BILL NO. 371

INTRODUCED BY MOHAR, SPAETH, COBB, ELLISON, KENNERLY, RANEY, B. BROWN, RAPP-SVRCEK, HAFFEY, STORY

IN THE SENATE

| | |
|---|---|
| February 9, 1985 | Introduced and referred to Committee on Fish and Game. |
| February 20, 1985 | Committee recommend bill do pass as amended. Report adopted. |
| February 21, 1985 | Bill printed and placed on members' desks. |
| February 22, 1985 | Second reading, do pass. |
| February 23, 1985 | Considered correctly engrossed. |
| February 25, 1985 | Third reading, passed. Ayes, 47; Noes, 1. |
| | Transmitted to House. |

IN THE HOUSE

| | |
|---|---|
| February 27, 1985 | Introduced and referred to Committee on Fish and Game. |
| March 21, 1985 | Committee recommend bill be concurred in as amended. Report adopted. |
| March 23, 1985 | Second reading, pass consideration. |
| March 30, 1985 | Second reading, concurred in as amended. |
| April 1, 1985 | Third reading, concurred in. |
| | Returned to Senate with amendments. |

IN THE SENATE

| | |
|---|---|
| April 1, 1985 | Received from House. |
| April 3, 1985 | Second reading, amendments concurred in. |
| April 5, 1985 | Third reading, amendments concurred in. Ayes, 44; Noes, 0. |
| | Sent to enrolling. |
| | Reported correctly enrolled. |

birds, game fish, ~~or~~ fur-bearing animals, or game animals, with the exception of the grizzly bear.

(3) Except as provided in subsection (4), any person violating any of the provisions of this section is guilty of a misdemeanor and upon conviction thereof shall be punished as provided by law.

(4) Any person engaging in the activities prohibited in subsection (1) in furtherance of a scheme to traffic in the body parts of unlawfully taken species is guilty of a felony and shall be punished by a fine of $10,000 or imprisonment in the state prison for a term of 1 year, or both."

Section 3. Section 87-4-406, MCA, is amended to read:

"87-4-406. Definitions. As used in this part, the following definitions apply:

(1) "Department" means the department of fish, wildlife, and parks.

(2) "Game animals" means game animals as defined in 87-2-101 that are not the lawful property of any private person.

(3) "Game farm" means the enclosed land area upon which game farm animals may be kept for purposes of obtaining, rearing in captivity, keeping, and selling game animals or parts of game animals, as authorized under this part.





(4) "Game farm animal" means a privately owned caribou, black bear, mountain lion, white-tailed deer, mule deer, elk, moose, antelope, mountain sheep, or mountain goat indigenous to the state of Montana or any other cloven-hoofed ungulate as classified by the department.

(5) "Game farm shooting license" means the license required under 87-4-421 for a game farm operator to hunt the game farm animals indigenous to the state of Montana on his game farm.

(6) "Person" means an individual, firm, corporation, association, or partnership."

Section 4. Section 87-4-702, MCA, is amended to read:

"87-4-702. Possession of game by merchants, hotelkeepers, or restaurant keepers. It is lawful for any merchant, hotelkeeper, or restaurant keeper to have in his possession, offer for sale, or sell game birds and game, ~~and game birds~~ except for grizzly bear, provided the game or game birds are not killed in Montana."

NEW SECTION. Section 5. Extension of authority. Any existing authority of the department of fish, wildlife, and parks to make rules on the subject of the provisions of this act is extended to the provisions of this act.

-End-

Senate BILL NO. 371

INTRODUCED BY Mohar Speer Cobb Eck, Kennedy Farey Bob Brown Kapp-Swysgood Hafferty Story

A BILL FOR AN ACT ENTITLED: "AN ACT PROHIBITING THE PURCHASE AND SALE OF GRIZZLY BEAR PARTS; PROVIDING FOR DISPOSITION OF SEIZED GRIZZLY BEAR PARTS; REMOVING GRIZZLY BEAR FROM THE DEFINITION OF GAME FARM ANIMALS; AMENDING SECTIONS 87-1-511, 87-3-111, 87-4-406, AND 87-4-702, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 87-1-511, MCA, is amended to read:

"87-1-511. Sale of confiscated birds and animals -- disposition of seized grizzly bears. (1) All birds, animals, fish, heads, hides, teeth, or other parts of any animal other than grizzly bear seized by any officer or warden shall be sold, under the direction of the director or wardens, at a time, place, and manner so as to receive the highest price. The sale shall be at public auction to the highest and best bidder. The director or his wardens shall publish notice of the time and place of the sale, together with a description of the birds, fish, animals, or parts or portions of animals to be sold, in a newspaper of general circulation published in the county where the sale is to be held. The notice shall be published at least once, and the sale shall not be less than 5 or more than 30 days after the last publication. If the property seized is perishable, it may be sold by those officers without publishing notice of the sale. The property may be sold upon that public notice and under those terms and conditions which in the discretion of the officers seem conducive to securing full value.

(2) All grizzly bears or heads, hides, teeth, claws, or other parts of grizzly bears seized by any officer or warden must be donated to museums, educational institutions, or persons conducting scientific studies."

Section 2. Section 87-3-111, MCA, is amended to read:

"87-3-111. Unlawful to buy, sell, possess, or transport fish or game -- exceptions -- penalties. (1) It is hereby made unlawful for any person to purchase, sell, offer to sell, possess, ship, or transport any game fish, game bird, migratory game bird, game animal, or fur-bearing animal or part thereof protected by the laws of this state, whether belonging to the same or different species from that native to the state of Montana, except as specifically permitted by the laws of this state.

(2) The provisions of this section shall not prohibit:

(a) the possession or transportation within the state of any legally taken fish, game bird, migratory game bird, game animal, or fur-bearing animal or part thereof; or

(b) the sale, purchase, or transportation of hides, heads, or mounts of lawfully killed ~~game--animals;~~ game



LC 1793/01

INTRODUCED BILL
SB 371

MINUTES OF THE MEETING
FISH AND GAME COMMITTEE
MONTANA STATE SENATE

February 19, 1985

The eighth meeting of the Senate Fish and Game Committee was called to order at 12:50 P.M. on February 19, 1985 by Chairman Max Conover in Room 402 of the Capitol Building.

ROLL CALL: All members were present.

CONSIDERATION OF SB 371: Senator Mohar, District 1, presented this bill to the committee. This bill will prohibit the purchase and sale of grizzly bear parts. It also provides for the disposition of seized grizzly bear parts. At present federal agents have to prove that grizzly bear parts have been sold illegally, which is difficult to do. This bill will solve the problem. Wildlife today is under numerous pressures and it does not need the pressure of poachers, especially in the case of the grizzly bear. He submitted an amendment to the committee which is attached as Exhibit 1.

Chairman Conover asked for proponents.

Jim Flynn, Department of Fish, Wildlife and Parks, gave testimony in support of this bill. A copy of his testimony is attached as Exhibit 2.

Janet Ellis, Montana Audubon Council, also supports this bill. A copy of her testimony is attached as Exhibit 3.

Cary B. Lund, Last Chance Audubon, supports this bill. She feels it is a reasonable step which can be taken to help maintain the population of the grizzly bear in the state of Montana.

Anne Humphrey, Montana Audubon Council, would like to say for the record that the Montana Wildlife Federation also supports this bill and had intended to testify but could not make it.

There being no further proponents and no opponents, Chairman Conover opened the hearing for questions.

Senator Jacobson asked how the Department would control somebody who already owns grizzly bear parts and wants to sell those parts.

Mr. Flynn said his understanding is that if this statute goes into effect, then it would be illegal to sell those.

Senator Mohar closed with the recommendation that this bill DO PASS.

ACTION ON SB 371: Senator Jacobson made a motion that the amendments presented by Senator Mohar and the amendments presented by Jim Flynn be adopted. THE MOTION PASSED UNANIMOUSLY WITH MEMBERS PRESENT.

Senator Jacobson made a motion that SB 371 DO PASS AS AMENDED. THE MOTION PASSED UNANIMOUSLY WITH MEMBERS PRESENT.

ACTION ON SB 302: Andi Merrill stated there was a question as to whether this bill will conflict with a bill in the House Fish and Game relating to disabled persons hunting on the right-of-way. After discussion with the drafters of the bills it is felt these two bills will travel along nicely and will not harm each other. They will mesh nicely.

Senator Jacobson made a motion to move the amendments furnished to the committee at the last hearing, attached as Exhibit 4. THE MOTION PASSED UNANIMOUSLY WITH MEMBERS PRESENT.

Senator Jacobson made a motion to move the bill as amended. THE MOTION PASSED UNANIMOUSLY WITH MEMBERS PRESENT.

FURTHER CONSIDERATION OF SB 334: Marvin Olaf, Department of Revenue, furnished the committee with an itemized list of the cost of administering the nongame wildlife checkoff program during FY 84 and FY 85. A copy is attached as Exhibit 5. He went through the cost analysis with the committee and explained that at the time they originally estimated for the program it was a new thing and they did not project their estimates high enought.

Senator Severson said it is indicated there are 232,500 returns. He asked Mr. Olaf how many of those returns have the nongame checkoff on them.

Mr. Olaf said 6,630 had the checkoff and they are estimating 7,000 for this coming year.

Senator Severson commented that he could see no reason for them to do anything on the income tax form unless there is a checkoff for the nongame fund.

Mr. Olaf said the reason is that we have 8 people that come in during the tax season and their instruction is to check the lines as they go through the form. In the data entry, when they get to line 61, the machine stops and the operator has to do something to clear the machine to continue.

ROLL CALL

SENATE FISH AND GAME COMMITTEE

48th LEGISLATIVE SESSION -- 1985 Date 2-19-85

| SENATE SEAT # | NAME | PRESENT | ABSENT | EXCUSED |
|---|---|---|---|---|
| 22 | Senator Anderson | ✓ | | |
| 6 | Senator Jacobson | ✓ | | |
| 38 | Senator Lane | | | ✓ |
| 31 | Senator Severson | ✓ | | |
| 2 | Senator Smith | late ✓ | | |
| 37 | Senator Yellowtail | | | ✓ |
| | Senator Conover | ✓ | | |
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Each day attach to minutes.

DATE 2-19-85

COMMITTEE ON Senate Fish & Game

VISITORS' REGISTER SB 371

| NAME | REPRESENTING | BILL # | Check One: Support | Check One: Oppose |
|---|---|---|---|---|
| Janet Ellis | MT Audubon Council | SB371 | X | |
| Cary B. Lund | last Chance Audubon | SB371 | X | |
| Robert VanDinkuse | self Helena | | | |

(Please leave prepared statement with Secretary)

Exhibit 1, Submitted by Senator Mohar
February 19, 1985

Amendments to SB 371

Page 2, Line 8: strike "must" and insert "may"

Page 2, Line 9: strike "." and add:
"as approved by the commission. If approved under federal law, parts may be sold at public auction if, after approval by the commission, a reasonable attempt has been made to dispose of those parts."

EXHIBIT 2

SB 371

Testimony Presented by Jim Flynn, Department of Fish, Wildlife and Parks

February 19, 1985

The Department supports Senate Bill 371.

The grizzly bear, as a threatened species, requires all of the protection from illegal sources that it can get. This legislation would provide some of that protection.

While we agree with the bill, we would suggest the following amendments to allow more flexibility for the use of parts which may come into our possession:

> On line 8, after "institutions" and before "or," insert the words "government agencies,"

This would allow the Fish and Wildlife Service, the Forest Service or this agency to display or otherwise use the grizzly parts.

With this amendment and those of the Audubon Society, we urge your support of Senate Bill 371.

Montana Audubon Council
SB 371
February 19, 1985

EXHIBIT 3

Mr. Chairman and Members of the Committee,

My name is Janet Ellis and I'm here today representing the Montana Audubon Council. The Council supports SB 371.

According to our talks with U.S.Fish & Wildlife agent Joel Scrafford, Montana is one of the most attractive locations for poachers because of inadequate state laws. For example, if our state allows the sale of certain wildlife parts, animals that were poached in other states end up being sold here. We also encourage poaching to go on in Montana.

According to our research, a relatively new type of poacher is threatening widlife. That poacher is more of a professional - and is hunting for a profit.

Grizzly bears are a unique animal in the west. Although they are hunted in certain areas in Montana, their populations are carefully monitored because of the small populations within the state.

It is difficult to know what exactly the market is for grizzly bear parts. There are rumors of claws being sold in stores around Yellowstone and Glacier National Parks. Evidently these merchants claim that these parts come from non-endangered Canadian or Alaska bears. We understand that claws sell for anywhere between $25 and $300. It is difficult to tell if a claw is from a legally - or illegally - taken bear.

SB 371 does not affect the average person. Hunters can still clearly posses the animals they have. Others who now own claws and other parts still have that right. SB 371 only asks that the sale of such parts not be possible.

Pressures of grizzly bears from poachers are pressures that should be eliminated. We are asking that you eliminate that pressure by voting for SB 371.

# STANDING COMMITTEE REPORT

February 19, 1985

MR. PRESIDENT

We, your committee on FISH AND GAME

having had under consideration SENATE BILL No. 371

first reading copy ( white color )

PROHIBIT PURCHASE AND SALE OF GRIZZLY BEAR PARTS

Respectfully report as follows: That SENATE BILL No. 371

be amended as follows:

1. Page 2, line 8.
Strike: "must"
Insert: "may"
Following: "institutions,"
Insert: "government agencies,"

2. Page 2, line 9.
Following: "studies"
Insert: ", as approved by the commission. If approved under federal law, parts may be sold at public auction if, after approval by the commission, a reasonable attempt has been made to dispose of the parts."

AND AS AMENDED
DO PASS

DO NOT PASS

MAX CONOVER, Chairman.

person who does not get in enough hunting during a regular season, to go out and hunt some more. He said he feels that Mr. Flynn put it very succinctly in his testimony. He feels that hunting is something that is a recreational opportunity and not something that can be done by proxy.

Representative Ellison said that he would have to agree with and support Representative Rapp-Svrcek's motion. He said he felt that many of the people are already included in House Bill No. 764.

Representative McCormick said that he felt this had nothing to do with House Bill No. 764, because that bill proposed that the disabled shoot their own game.

Representative Phillips suggested that the committee delay further executive action so that Senator Mohar could present his bill.

CONSIDERATION OF SENATE BILL NO. 371: Senator John Mohar, District 1, Troy, appeared before the committee as sponsor of Senate Bill No. 371. He said that this was an act prohibiting the purchase and sale of grizzly bear parts; providing for the disposition of seized grizzly parts; and removing the grizzly bear from the definition of game-farm animals. He said that this bill would make it illegal to sell all grizzly bear parts in Montana. He referred to subsection 2, page 2, lines 7-14, and explained the amendments that had been made by the Senate Fish and Game Committee.

PROPONENTS: Jim Flynn, Director of the Department of Fish, Wildlife, and Parks, appeared before the committee in support of Senate Bill No. 371. He handed out a copy of his testimony to all committee members. (See Exhibit No. 2)

Janet Ellis, representing the Montana Audubon Council, appeared before the committee in support of Senate Bill No. 371. She said that Montana is one of the most attractive locations for poachers because of inadequate state laws. She said that pressures on grizzly bears from poachers are pressures that should be eliminated, and she urged the committee to support Senate Bill No. 371. She handed in a copy of her testimony. (See Exhibit No. 3)

Dan Heinz, representing the Montana Wildlife Federation, appeared before the committee in support of Senate Bill No. 371. He said that recent, highly publicized sting operations have shown the extent and seriousness of the illegal kill and marketing of wildlife and wildlife parts in Montana. He said that the grizzly is a unique and very valuable part of our Montana heritage. He said that they are in deep trouble over much of their range, and if forbidding the sale of Grizzly parts prevents only a very few illegal kills, then it is well worth our efforts to pass this bill. He handed in a copy of his testimony. (See Exhibit No. 4)

There were no further proponents and no opponents to Senate Bill No. 371.

DISCUSSION OF SENATE BILL NO. 371: Representative Ellison asked Mr. Flynn how they were going to identify the parts of the grizzlies that are already legally in existence in the state of Montana. Mr. Flynn said that he did not think that it would be much of a problem, because everything that is already out there has some kind of identification with it. He said that if a person had legally killed a bear, then they would have had a license and it would be recorded with their department. He said that they could also refer back or trace records to Alaska, Alberta, or other states. Representative Ellison then asked Mr. Flynn what they would do if they caught someone with grizzly bear claws, and the person said that they had these before this legislation became law. He wanted to know the retroactive effects of this legislation. Mr. Flynn said that he did not know what the retroactive effects would be, and said that he would have to refer that to the legal council. He said that if they run into the supposition that a person has something that is illegal, then they would have to trace the trail back to find out the origination. Senator Mohar said that this bill does not keep people from having the parts, it just keeps them from selling the different parts. Senator Mohar said they would have to prove that there was a transaction in receiving possession of the parts.

Representative Moore asked Mr. Flynn that if a person was to get a legal grizzly bear, could they give those parts to their family. Mr. Flynn said that he would assume that they could be given, but they could not be sold.

Representative Rapp-Svrcek asked Senator Mohar what effect this legislation would have on the Indian tribes. Senator Mohar said that he was not sure. Janet Ellis said that this would not affect anything on reservations, but if Native Americans wanted to sell them off the reservations, then it would apply.

Representative Jenkins asked Researcher Dave Cogley, if he would give him a legal opinion on a portion of the bill--page 3, lines 4 through 7. Representative Jenkins said that according to this, no one can transport any game animal. Mr. Cogley said that he did not have a good answer and he would have to check this through. Representative Jenkins then asked Mr. Flynn how many grizzly bears the Department had confiscated in the last two years. Mr. Flynn said that the greatest number of bears that they had in any one year is about 21, and 13 of those killed were hunted. He said that the Department usually ends up with eight or nine carcasses a year.

Representative Phillips referred to subsection B, page 3, lines 4 through 7, and asked Mr. Cogley if this could not be changed at the end to read, "except that grizzly bear parts may not be sold other than as specified in section 1, subsection 2, page 2, lines 7-14. Mr. Cogley said that it would be one way of changing it or perhaps they could add a new subsection.

Representative Moore asked Mr. Flynn that if some of these bear parts could be sold, could they be sold to a person from another state. Mr. Flynn said that he assumed that if the amendments offered on page 1 were not adopted, and the ones on page 3 were adopted, then they would still be in the posture of selling, but they could not be taken anywhere. He said that if the whole bill passed, they would not be selling the bear parts, so they would not have a transportation problem. Representative Moore then asked Mr. Flynn if out-of-staters were now allowed to come in and hunt the grizzly bears. Mr. Flynn said that yes, there are out-of-state licenses. Representative Moore asked how a person was then to get his bear out of this state. Mr. Flynn said that there would be a problem there if this bill passes.

Representative Cobb asked Mr. Flynn if there were currently any grizzly bears in game farms in Montana. Mr. Flynn said that he was not aware of any in game farms, but there might be one in the zoo in Red Lodge.

Representative Grady asked Mr. Flynn if it was approved by federal law, would they still be able to sell parts at public auction. Mr. Flynn said that the grizzly is on the federal threatened species list, and as long as they are on this list, the federal government would not authorize such an auction.

The committee discussed further, several sections of the bill.

Representative Jenkins asked Senator Mohar what his feelings were concerning the suggested changes and questions of the committee. Senator Mohar said he felt that they raised a really good point, in that the purpose of the bill was not so that someone could not transport game legally shot. He said that the intent was to discourage poaching and to make illegal the sale of the parts. He said that he agreed that the language was confusing and he supported the committee's interest in trying to get it back to the original intent of the bill.

There being no further questions from the committee, Chairman Ream asked Senator Mohar to close. In closing, Senator Mohar said that he appreciated the diligence of the committee. He said that this bill was to simply discourage the poaching of grizzly bears.

EXECUTIVE SESSION: The discussion on Senate Bill No. 388 resumed. Representative Jenkins said that he feels there are many elderly people who would like and could use the wild meat.

Representative Pavlovich said that there are some people who get four or five deer and he feels that the disabled should at least be allowed to get one animal.

Representative Cobb said he agreed that there are disabled people who can really use the food.

Representative Rapp-Svrcek said that he agrees that there are people that need the meat, because there are some in

his area, but he said he still opposes the fact that this will allow some people to hunt for months. He said that he felt the intent was admirable, but it goes against the traditions of this state.

Representative Grady said that he also had to speak against this bill because it is going too far. He said that he feels it will just create more problems with landowners, and he said that it was supposed be a sport. He said the sport of shooting is half of hunting. He said that in all the thousands of hunters that he has dealt with, he has never heard of this complaint. He said he felt that they are getting way too liberal when they allow such things as this to start.

Representative Montayne expressed his agreement with Representative Grady.

Question was called. A roll-call vote was taken on the DO NOT PASS motion, and the motion failed 7-6. (See roll-call vote)

More committee discussion followed concerning suggested amendments.

Representative Jenkins suggested that they limit this to deer only.

Representative Cobb made a motion to leave only the A-3 and A-4 tags in this bill. More committee discussion followed concerning this proposed amendment. Question was called. The motion on the amendment carried with the dissenting votes of Representatives Rapp-Svrcek, Grady, and Montayne. A roll-call vote on the DO PASS AS AMENDED motion was taken. The motion carried 7-6. (See roll-call vote) The motion passed with the dissenting votes of Representatives Ream, Ellison, Grady, Montayne, Moore, and Rapp-Svrcek.

SENATE BILL NO. 371: Researcher Dave Cogley discussed the anticipated language problems with the committee. Representative Ellison moved that Senate Bill No. 371 DO PASS. The motion was seconded. Question was called and the motion passed unanimously.

# DAILY ROLL CALL

Fish and Game COMMITTEE

49th LEGISLATIVE SESSION -- 1985

Date 3-19-85

| NAME | PRESENT | ABSENT | EXCUSED |
|---|---|---|---|
| Bob Ream, Chairman | ✓ | | |
| Orval Ellison, Vice Chairman | ✓ | | |
| John Cobb | ✓ | | |
| Ralph Eudaily | | | ✓ |
| Edward Grady | ✓ | | |
| Marian Hanson | ✓ | | |
| Marjorie Hart | ✓ | | |
| Loren Jenkins | ✓ | | |
| Lloyd McCormick | ✓ | | |
| John Montayne | ✓ | | |
| Janet Moore | ✓ | | |
| Bob Pavlovich | ✓ | | |
| John Phillips | ✓ | | |
| Paul Rapp-Svrcek | ✓ | | |
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Exhibit #2
3-19-1985
SB #371

SB 371

Testimony presented by Jim Flynn, Department of Fish, Wildlife & Parks

March 19, 1985

The department supports Senate Bill 371.

The grizzly bear, as a threatened species, requires all of the protection from illegal sources that it can get. This legislation would provide some of that protection.

The bill allows flexibility for the use of parts which may come into our possession, and thus meets with our approval.

Exhibit #3
3-19-1985
SB # 371

Montana Audubon Council
SB 371
March 19, 1985

Mr. Chairman and Members of the Committee,

My name is Janet Ellis and I'm here today representing the Montana Audubon Council. The Council supports SB371.

According to our talks with U.S. Fish & Wildlife agent Joel Scrafford of Billings, Montana is one of the most attractive locations for poachers because of inadequate state laws. For example, if our state allows the sale of certain wildlife parts, animals that were poached in other states end up being sold here. We also encourage poaching to go on in Montana with these laws.

According to our research, a relatively new type of poacher is threatening wildlife. That poacher is more of a professional - and is hunting for a profit.

Grizzly bears are a unique animal in the west. Although they are hunted in certain areas in Montana, their populations are carefully monitored because of the small populations within the state.

It is difficult to know what exactly the market is for grizzly bear parts. There are rumors of claws being sold in stores around Yellowstone and Glacier National Park. Evidently these merchants claim that these parts come from non-endangered Canadian or Alaska bears. We understand that claws sell for anywhere between $25 and $300. It is difficult to tell if a claw is from a legally - or illegally - taken bear.

SB 371 does not affect the average person. Hunters can still clearly posses the animals they have. Others who now own claws and other parts still have that right. SB 371 only asks that the sale of such parts not be possible.

Pressures on grizzly bears from poachers are pressures that should be eliminated. We are asking that you eliminate that pressure by voting for SB 371.

Thank you.

Exhibit #3
P 2
3-19-1985

MEMORANDUM

TO: Erwin J. Kent

FROM: Joel Scrafford

SUBJECT: Operation Trophy Kill

The following is a list of species and location of known kills in Montana taken in Operation Trophy Kill:

Taken by Special Agents on guided hunts

| | |
|---|---|
| 1 5-point elk | Bear Creek, Jardine |
| 1 4-point elk | Sphinx Creek, Gardiner |
| 1 2-point mule deer | Wine Glass Mtn., Livingston |
| 1 doe mule deer | West Boulder, Livingston |
| 1 mountain goat | Hellroaring Creek, Gardiner |
| 1 mountain goat | Arch Lake, Columbus |
| 1 mountain lion | Townsend |

Known kills taken by defendants and offered for sale

| | |
|---|---|
| 2 mountain lions | Townsend |
| 1 mountain goat | Townsend |
| 5 lynx | Townsend |
| 2 golden eagles | Townsend |
| 2 bighorn sheep | Deer Creek, Big Sky |
| 1 bighorn sheep | Big Sky |
| 3 bighorn sheep | Miner Basin, Gardiner |
| 2 bighorn sheep | Cinnibar Mtn, Gardiner |
| 12 bighorn sheep | Gardiner Area |
| 2 bighorn sheep | Boulder River, Big Timber |
| 3 mountain goats | Stillwater River, Columbus |
| 2 mountain goats | Hellroaring Creek, Gardiner |
| 3 bighorn sheep | Yellowstone National Park |
| 6 mountain lion | West Boulder, Livingston |
| 9 lynx | West Boulder, Livingston |
| 6 6-point elk | Gardiner Area |
| 5 bull elk (velvet) | Gardiner Area |
| 14 golden eagles | Pray Area |
| 2 cow elk | Wineglass Mtn., Livingston |
| 6 golden eagles | Crazy Mtns. Big Timber |
| 1 grizzly bear | Hellroaring Creek, Gardiner |
| 1 grizzly bear | Slough Creek, Gardiner |
| 1 mink | Main Boulder River |
| 3 black bear (whole) | West Boulder, Livingston |

During this investigation we identified two other groups that are working similar types of operation. One is operating in the Gardiner and the other around Big Sky. Undoubtedly there are others that we are not aware of.

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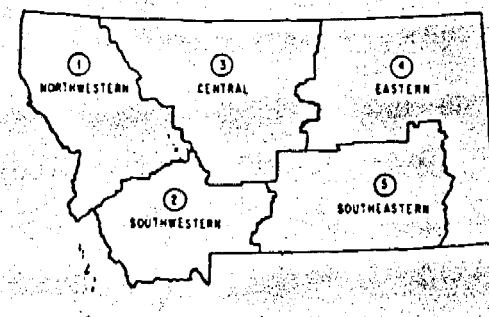
Exhibit # 4
3-19-1985
S.B #371

EDUCATION – CONSERVATION

# Montana Wildlife Federation

AFFILIATE OF NATIONAL WILDLIFE FEDERATION




Testimony on SB371
~~February~~ March 19, 1985

My name is Dan Heinz. I am here today representing the Montana Wildlife Federation.

Recent, highly publicized sting operations have shown the extent and seriousness of the illegal kill and marketing of wildlife and wildlife parts in Montana.

It is doubly difficult to prevent or prosecute wildlife crimes if there are legal markets for wildlife parts.

The Grizzly is a unique and very valuable part of our Montana heritage. They are in deep trouble over much of their range. If forbidding the sale of Grizzly parts prevents only a very few illegal kills, then it is well worth our efforts to pass this bill.

We feel there should be a ban on the sale of some other wildlife parts and this certainly is a high priority first step.

This bill does not prevent the sportsmen from owning and displaying legally taken trophies.

VISITOR'S REGISTER

HOUSE FISH AND GAME COMMITTEE

BILL SENATE BILL NO. 371 DATE 3-19-1985

SPONSOR SENATOR MOHAR

| NAME | RESIDENCE | REPRESENTING | SUP-PORT | OP-POSE |
|---|---|---|---|---|
| Janet Ellis | Helena | MT Audubon Council | ✓ | |
| Dan Hertz | Helena | Mt. Wildlife Fed | ✓ | |
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IF YOU CARE TO WRITE COMMENTS, ASK SECRETARY FOR LONGER FORM.

WHEN TESTIFYING PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

FORM CS-33

MINUTES OF THE MEETING
FISH AND GAME COMMITTEE
MONTANA STATE
HOUSE OF REPRESENTATIVES

March 21, 1985

A special meeting of the Fish and Game Committee was called to order by Chairman Ream on March 21, 1985, at 11:30 a.m. in room 317 of the State Capitol.

ROLL CALL: All committee members were present with the exception of Representative Ellison.

EXECUTIVE SESSION: Representative Cobb moved to reconsider Senate Bill No. 255. Representative Jenkins seconded the motion. Question was called. Representative Cobb made a motion to remove the amendment on the Augusta Preserve. Representative Grady seconded the motion.

Representative Rapp-Svrcek wanted to know why this motion was being made. Mr. Cogley, the researcher, said they had a problem with the legal description. He said that the Augusta Preserve has been taken off the books as a special area, so this amendment had to be removed. More committee discussion followed.

Question was called on the amendment removal motion. The motion passed unanimously.

Representative Cobb made a DO PASS motion on Senate Bill No. 255. Question was called. The motion carried with the dissenting votes of Representatives Cobb, Grady, and Hanson.

SENATE BILL NO. 371: Representative Cobb made a motion to reconsider Senate Bill No. 371. Representative Jenkins seconded the motion. Dave Cogley distributed a copy of the proposed amendments to all committee members. (See Exhibit No. 1) He explained the amendments to the committee. Committee discussion followed.

Representative Rapp-Svrcek made a motion to adopt the amendments. Question was called on the amendments. The motion passed with the dissenting vote of Representative Grady.

Representative Phillips made a DO PASS AS AMENDED motion on Senate Bill No. 371. Representative Jenkins seconded the motion. Question was called. The motion passed unanimously.

Jim Flynn, Director of the Department of Fish, Wildlife, and Parks, appeared before the committee to report on the letter sent to the House Appropriations committee by this committee. He said that it had a positive effect, because they reinstated the money as a result of the letter.

ADJOURNMENT: There being no further business before the committee, the meeting was adjourned at 11:45.

Bob Ream

BOB REAM, Chairman

# STANDING COMMITTEE REPORT

MARCH 21 19 85



MR. SPEAKER

We, your committee on FISH AND GAME

having had under consideration SENATE Bill No. 371

THIRD reading copy ( BLUE color )

PROHIBIT PURCHASE AND SALE OF GRIZZLY BEAR PARTS

Respectfully report as follows: That SENATE Bill No. 371

BE AMENDED AS FOLLOWS:

1. Page 3, line 7.
   Strike: "with" through "bear"
   Insert: "except that the sale or purchase of a hide, head, or mount of a grizzly bear is prohibited"

2. Page 4, line 19.
   Following: "keepers."
   Strike: "It"
   Insert: "(1) Except as provided in subsection (2), it"

3. Page 4, line 22.
   Strike: "except for grizzly bear,"

~~XXXXXXX~~
~~DO PASS~~

(CONTINUED)

Chairman.

STATE PUB. CO.
Helena, Mont.

COMMITTEE SECRETARY

4. Page 4, line 23
Following: "Montana."
Insert: "(2) No merchant, hotelkeeper, or restaurant keeper may offer for sale or sell any grizzly bear or any head, hide, teeth, claws, or other part of a grizzly bear."

AND AS AMENDED,
BE CONCURRED IN

BOB REAM, Chairman.

STATE PUB. CO.
Helena, Mont.

Exhibit #1
3-21-85
S.B. #371

S. B. 371 (Amend third reading copy)

1) Page 3, line 7.
Strike: "with" through "bear"
Insert: "except that the sale or purchase of a hide, head, or mount of a grizzly bear is prohibited"

2) Page 4, line 19.
Following: "keepers."
Strike: "It"
Insert: "(1) Except as provided in subsection (2), it"

3) Page 4, line 22.
Strike: "except for grizzly bear,"

4) Page 4, line 23.
Following: "Montana."
Insert: "(2) No merchant, hotelkeeper, or restaurant keeper may offer for sale or sell any grizzly bear or any head, hide, teeth, claws, or other part of a grizzly bear."

# DAILY ROLL CALL

Fish and Game COMMITTEE

49th LEGISLATIVE SESSION -- 1985

Date 3-21-85

| NAME | PRESENT | ABSENT | EXCUSED |
|---|---|---|---|
| Bob Ream, Chairman | ✓ | | |
| Orval Ellison, Vice Chairman | | | |
| John Cobb | ✓ | | |
| Ralph Eudaily | ✓ | | |
| Edward Grady | ✓ | | |
| Marian Hanson | ✓ | | |
| Marjorie Hart | ✓ | | |
| Loren Jenkins | ✓ | | |
| Lloyd McCormick | ✓ | | |
| John Montayne | ✓ | | |
| Janet Moore | ✓ | | |
| Bob Pavlovich | ✓ | | |
| John Phillips | ✓ | | |
| Paul Rapp-Svrcek | ✓ | | |
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